

to achieve the invention recited in the claims. Furthermore, in response to Applicants' December 2, 2005 arguments, the Examiner states that:

Applicant argues cited references fails to address the problem of accidental activation of the device resulting from momentary insertion of a pen or finger. Examiner argues, as none of the independent claims recite the limitation "prevention or precautionary action against accidental activation of the device resulting from momentary insertion of a pen or finger".

(Detailed Action, page 8, section 6.)

Applicants have amended independent claims 1 and 2 to recite:

wherein . . . the pointing input device outputs push detection data together with the pointing position data when the electric signal [indicating a push detection] is outputted from the piezoelectric substrate and the push against the transparent protective plate is judged while the optical touch panel is detecting the pointing input, thereby indicating an activation of the pointing input device and preventing accidental activation of the device resulting from a momentary disruption in the light beams emitted by the optical touch panel (emphasis added).

Applicants submit that Kambara and Saijo, alone and in combination, fail to disclose or suggest a pointing input device that "outputs push detection data together with pointing position data when the electric signal is outputted . . . and the push . . . is judged . . . thereby indicating an activation of the pointing input device and preventing accidental activation of the device resulting from a momentary disruption in the light beams emitted by the optical touch panel," as recited in independent claims 1 and 2.

Furthermore, Applicants submit that there is insufficient motivation to combine the Kambara and Saijo references. In particular, Saijo is directed to solving the problem of photoreceptor sensitivity to stray light sources in an optical touch panel, and teaches a method for addressing this

problem by providing shielding members that cover the photoreceptors. See, Saijo, Abstract. Saijo further discloses that the stray light sources cause the photoreceptors to be unable to detect a touch on the optical touch panel (*i.e.*, results in an inoperable device). See, Saijo, paragraph 0004. Thus, Saijo is concerned with the problem of shielding the photoreceptors from the stray light sources so that the stray light sources do not render the optical touch panel device inoperable.

In contrast, Kambara is directed to the problem of configuring an acoustic touch sensor device to convert a bulk acoustic wave into surface waves of sufficient power to effectively signal touching at the surface of the device. See, Kambara, column 6, lines 37-48. Thus, Kambara is concerned with the problem of providing a touch screen that does not require bulk wave modes to be converted into more useful wave modes. See, Kambara, col. 6, lines 48-50.

Simply put, Saijo is directed to ensuring that an optical touch panel remains operable by preventing stray light sources from interfering with the photoreceptors, while Kambara is directed to configuring an acoustic touch sensor device that converts acoustic waves to signal a touch on the surface of the sensor device. Thus, the two references are non-analogous in art. Saijo is concerned with optical touch panels and light sources, while Kambara is concerned with acoustics and acoustic waves. Accordingly, there is no motivation in Saijo or Kambara to combine the two references, as demonstrated above.

Thus, as neither reference provides any motivation for combination with the other to solve the problem addressed by Applicants' claimed invention, Applicants respectfully submit that such motivation is suggested to one of ordinary skill in the art only in hindsight, using Applicants' claimed invention as a "roadmap." It is well established that the use of such hindsight knowledge to

support an obviousness rejection under 35 U.S.C. § 103 is impermissible (see, e.g., *W. L. Gore And Assocs. V. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312 - 313 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

Accordingly, Applicants respectfully submit that the Saijo and Kambara references may not be combined in support of an obviousness rejection of independent claims 1 and 2 under 35 U.S.C. § 103, and that independent claims 1 and 2 are therefore allowable.

Furthermore, even if one were to combine these references, Kambara and Saijo, individually or in combination, still fail to disclose or suggest combining an optical touch panel having light emitters with a piezoelectric element to indicate “an activation of the pointing input device” and prevent “accidental activation of the device resulting from a momentary disruption in the light beams emitted by the optical touch panel,” as recited in independent claims 1 and 2. The combination of Kambara and Saijo also fails to disclose or suggest “[outputting] push detection data together with pointing position data when the electric signal is outputted . . . and the push . . . is judged” (*i.e.*, outputting of push detection data that is conditioned on detecting both pointing data and a push) as recited in independent claims 1 and 2. Therefore, the combination of Kambara and Saijo does not disclose or suggest each and every feature recited in independent claims 1 and 2.

Claim 5 depends from claim 1, and claim 6 depends from claim 2. Applicants submit that claims 5 and 6 are patentable for at least the same reasons as discussed above with respect to their respective base claim. Applicants respectfully request reconsideration and withdrawal of the rejection.

Added Claims

Added claims 7 and 9 depend from claim 1. Added claims 8 and 10 depend from claim 2. Applicants submit that added claims 7-10 are patentable for at least the same reasons as discussed above with respect to their respective base claim.

Added claims 11 and 13 depend from allowed claim 3. Added claims 12 and 14 depend from allowed claim 4. Applicants submit that added claims 11-14 are allowable for at least the same reasons as allowed claims 3 and 4.

